

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting
February 21, 2008

A meeting of the Georgia Board of Chiropractic was held on Thursday, February 21, 2008, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. Patrick Sallarulo, D. C. David A. Wren, D.C.	Graham Barron, Board Attorney Anita O. Martin, Executive Director Samirah Stephens, Board Secretary

Karen Mathiak established that a quorum was present and the public hearing was **called to order** at 10:21am.

Board Rule 100-4-.02, Diplomate Status/Certifications.- No written or verbal comments received.

Board Rule 100-12-.01, Approved Chiropractic Schools or Colleges.- No written or verbal comments were received.

The public hearing was adjourned at 10:34am.

Karen Mathiak established that a quorum was present and the meeting was **called to order** at 10:35am.

Consider adoption of Board Rule 100-4-.02, Diplomate Status/Certifications- Dr. Wren made a motion, Dr. Sallarulo seconded and the Board voted to adopt.

100-4-.02, Diplomate Status/Certifications

Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications and having active diplomate and/or certifications by one or more of the following boards:

- (i) Academy of Chiropractic Orthopedists (ACO);
- (ii) Certified in Chiropractic Spinal Trauma (CCST);
- (iii) Certified Chiropractic Wellness Practitioner (CCWP);
- (iv) Certified Sports and Fitness Chiropractor (CSFC);
- (v) Diplomate American Chiropractic Board of Radiology (DACBR);
- (vi) Diplomate American Chiropractic Rehabilitation Board (DACRB);
- (vii) Diplomate American Chiropractic Board of Nutrition (DACBN);
- (viii) Diplomate American Board of Chiropractic Internists (DABCI);
- (ix) Certified Chiropractic Sports Physicians (CCSP);
- (x) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (xi) Diplomate American Board of Forensic Professionals (DABFP);

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- (xii) Diplomate American Chiropractic Academy of Neurology (DACAN);
- (xiii) Certification American Chiropractic Board of Thermologists (CACBT);
- (xiv) Diplomate American Board of Chiropractic Neurology (DABCN);
- (xv) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
- (xvi) Diplomate American Chiropractic Board of Occupational Health (DACBOH);
- (xvii) Diplomate American Chiropractic Neurology Board (DACNB);
- (xviii) Diplomate Applied Chiropractic Sciences (DACS);
- (xix) Diplomate in Chiropractic Imaging (DCCI);
- (xx) Diplomate in Pediatrics (DICC);
- (xxi) Diplomate in Philosophical Chiropractic Standards (DPHCS);
- (xxii) Diplomate in Thermography (DICT);
- (xxiii) Diplomate of American Board of Chiropractic Consultants (DABCC);

Authority O.C.G.A. §§ 43-9-6.1(1), 43-9-6.1(2) and 43-1-25.

Consider adoption of Board Rule 100-12-.01, Approved Chiropractic Schools or Colleges-
Dr. Sallarulo made a motion, Dr. Baker seconded and the Board voted to adopt.

100-12-.01, Approved Chiropractic Schools or Colleges.

- (1) The Board shall maintain a list of chiropractic schools and colleges accredited by the Council on Chiropractic Education (CCE) that are approved by the Board.
- (2) As required by the Council On Chiropractic Education, all faculty of Board approved chiropractic schools and colleges must possess a Doctor of Chiropractic degree or a related first professional degree that has been earned from a college or university accredited by an accrediting body recognized by the U.S. Secretary of Education or its foreign equivalent.
- (3) The Board's list of approved CCE chiropractic schools and colleges is presently comprised of the following American and foreign institutions:
 - (a) Approved chiropractic colleges in the United States:

Cleveland Chiropractic College – KC
6401 Rockhill Road
Kansas City, MO 64131

Cleveland Chiropractic College – LA
590 North Vermont Avenue
Los Angeles, CA 90004

D'Youville College
320 Porter Ave.
Buffalo, NY 14201

Life Chiropractic College
1269 Barclay Circle
Marietta, GA 30060

Life Chiropractic College- West

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2005 Via Barnett, P.O. Box 367
San Lorenzo, CA 94580

Logan College of Chiropractic
1851 Schoettler Road, P.O. Box 1065
Chesterfield, MO 63006-1065

Los Angeles College of Chiropractic
16200 East Amber Valley Drive, P.O. Box 1452
Whittier, CA 90609-1166

National University of Health Services
200 East Roosevelt Road
Lombard, IL 60148-4583

New York College of Chiropractic
2360 State Rte. 89, P.O. Box 800
Seneca Falls, NY 13148-0800

Northwestern College of Chiropractic
2501 West 84th Street
Bloomington, MN 55431

Palmer College of Chiropractic
1000 Brady Street
Davenport, LA 52803

Palmer College of Chiropractic – West
90 E. Tasman Drive
San Jose, CA 95134

Parker College of Chiropractic
2500 Walnut Hill Lane
Dallas, TX 75229

Palmer College of Chiropractic
4777 City Center Pkwy.
Port Orange, FL 32129

Sherman College of Straight Chiropractic
2020 Springfield Road, P.O. Box 1452
Spartanburg, SC 29304

Texas Chiropractic College
5912 Spencer Highway
Pasadena, TX 77505

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University of Bridgeport
College of Chiropractic
Bridgeport, CT 06601

Western States Chiropractic College
2900 Northeast 132nd Avenue
Portland, OR 97230

(b) Approved Foreign Chiropractic Colleges:

Anglo-European College of Chiropractic
13/15 Parkwood Road
Bournemouth, Dorset ENGLAND BH5 2DF
Canadian Memorial Chiropractic College
1900 Bayview Avenue
Toronto, Ontario CANADA M4G 3E6

Macquarie University
Chiropractic Program
Centre for Chiropractic and Osteopathy
P.O. Box 178
Summerhill, New South Wales, AUSTRALIA 2130

Royal Melbourne Institute of Technology
School of Chiropractic and Osteopathy
Plenty Road, P.O. Box 96
Bundoora, Victoria, AUSTRALIA 3083

(4) The failure of any of these schools or colleges to maintain accreditation from the Council on Chiropractic Education or a Board approved successor, if any, or to comply with the rules and regulations established by the Board shall be grounds for removal from the Board's approved list.

Authority O.C.G.A. § 43-1-25, 43-9-6.1(1) and 43-9-7(d).

The Board voted that the formulation and adoption of these rules does not impose excessive regulating cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4

(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

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Petition from the American Board of Chiropractic Consultants regarding the amendment of Board Rule 100-4-.01 to recognize their diplomate certification as a chiropractic specialty.- Board response: Send copy of new board rule.

Correspondence from the Federation of Chiropractic Licensing Boards RE registering FCLB delegates and alternates, payment of dues, elected offices, bylaws/resolutions, and FCLB awards program- Dr. Wren made a motion, Dr. Baker seconded and the Board voted that Dr. Sallarulo would be the FCLB delegate and Dr. Nelson would be the FCLB alternate.

Review and approval of minutes from December 13, 2007 board meeting- Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted to approve.

Correspondence from James E. Schantz, D.C. regarding Part IV of the National Board Exam.- Board response: Refer Dr. Schantz to Board Rule 100-2-.07, Endorsement.

Correspondence from Joseph Doughty, D.C. regarding the Board's opinion on a chiropractor requesting a patient have blood drawn by a licensed phlebotomist and having the blood send to a lab for chemical analysis.- Board response: Notify Dr. Doughty that chiropractors can refer but not order blood work from labs. Cite O.C.G.A. 43-9-12.1, Reasonable Care & Skill; referrals in the letter.

Correspondence from Peter G. Lazarnick, D.C. regarding the Board's opinion on the use of intersegmental traction, hot packs, and cold packs under the new scope changes.- Board response: Refer Dr. Lazarnick to Board Rule 100-9-.01, Electrical Therapeutic Modalities.

Review reinstatement policy to ensure that continuing education hours are being applied equitably.- Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to approve as amended.

Correspondence from Cynthia LoGatto regarding Compliance and Documentation and CPT Coding seminar.- Dr. Nelson made a motion, Dr. Baker seconded and the Board voted to respond to Cynthia LoGatto and send her a copy of Board Rule 100-5-.02, Approval of Educational Programs.

Correspondence from Jay Liebman, D.C. regarding the board's decision to deny his request to waive reinstatement fees and allow him to renew his license.-Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to deny.

Notice of non-payment or default of federal education loan for Patricia L. Allmon, D.C.- Dr. Wren made a motion, Dr. Baker seconded and the Board voted to suspend Dr. Patricia L. Allmon's license to practice as a Chiropractor, License No. CHIR002926 effective 30 days from the date of the First Notice Letter of Suspension for nonpayment status or default or breach or repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service conditional scholarship program. The board further voted that such suspension shall be STAYED pending an appearance before the board if

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a request for an appearance is timely received and that this suspension shall be lifted upon receipt of a written request from the licensee and a copy of the release from the federal agency that CHIR002926 is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency, or is not the person at issue.

Correspondence from NBCE regarding Annual Business Meeting of State Delegates.- Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted that Dr. Mathiak would be the NBCE delegate and Dr. Wren would be the NBCE alternate.

Correspondence from NBCE regarding Part IV Practical Examination administration.- Dr. Wren made a motion, Dr. Baker seconded and the Board voted that Dr. Sallarulo and Dr. Nelson would attend.

Discuss developing rules on multidisciplinary practices.- Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted to table. Board staff will request a meeting with members of the Composite Medical Board to discuss the issue.

LICENSES TO RATIFY.

Dr. Sallarulo made the motion, Dr. Baker seconded and the Board voted to **approve**.

License#	Name	Profession	Status
CHIR008290	Carhee, Chantaye Evans	Chiropractor	Active
CHIR008291	Marfisi, Joseph	Chiropractor	Active
CHIR008292	Volaric, Ernest Martin	Chiropractor	Active
CHIR008293	Anderson, Scott Michael	Chiropractor	Active
CHIR008294	Stokes, Jimmie Roland	Chiropractor	Active
CHIR008295	Webster, Marshall Dean	Chiropractor	Active
CHIR008296	Eng, Norman T.	Chiropractor	Active
CHIR008297	Hannen, Scott Kevin	Chiropractor	Active
CHIR008298	Peacock, Edward Hurst	Chiropractor	Active
CHIR008299	Erickson, Brandi Smith	Chiropractor	Active
CHIR008300	Pichette, Danielle	Chiropractor	Active
CHIR008301	Smith, Gene Tylere	Chiropractor	Active
CHIR008302	Crockett, James H.	Chiropractor	Active
CHIR008303	Parker, Andrew W	Chiropractor	Active
CHIR008304	Cawley, Daniel Robert	Chiropractor	Active
CHIR008305	Jackson, Penny Tronell	Chiropractor	Active
CHIR008306	Taing, David Khain Vay	Chiropractor	Active
CHIR008307	Abou Jaoudeh, Gilbert S.	Chiropractor	Active
CHIR008308	Ploessl, Aaron John	Chiropractor	Active
CHIR008309	Capaccio, Rita Vincenza	Chiropractor	Active
CHIR008310	Gerjoi, Marcelo N.	Chiropractor	Active
CHIR008311	Lee, James S.	Chiropractor	Active

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CHIR008312	Mercurio, Gary Angelo	Chiropractor	Active
CHIR008313	Pixler, John Alexander	Chiropractor	Active
CHIR008314	Roberson, April Lynne	Chiropractor	Active
CHIR008315	Congram, Herbert F.	Chiropractor	Active
CHIR008316	Kim, Mike	Chiropractor	Active
CHIR008317	Bishop, Jeremy Walter	Chiropractor	Active
CHIR008318	Hilt, Lucas Austin	Chiropractor	Active
CHIR007091	Perlman, Scott Todd	Chiropractor	Active
CHIR007114	Dabalos, Norman	Chiropractor	Active
CHIR005190	Wells, James G.	Chiropractor	Active
CHIR006012	Precourt, Bartholomew M.	Chiropractor	Active
CHIR005487	Whitaker, Richard A.	Chiropractor	Active
CHIR004747	Garnsey, Paul A.	Chiropractor	Active
CHIR005052	Hansbrough, Bruce A.	Chiropractor	Active
CHIR005676	Duke, John Thomas	Chiropractor	Active
CHIR007486	Eappen, Nisha N.	Chiropractor	Active
CHIR005376	Talerico, Michael	Chiropractor	Active
CHIR006970	Jackson, Cara D.	Chiropractor	Active
CHIR006805	Good, Jennifer Lynn	Chiropractor	Active
CHIR002174	Graj-Watkins, Danuta	Chiropractor	Active
CHIR001279	Silcox, Paul L.	Chiropractor	Active
CHIR006500	Pritchard, Timothy J.	Chiropractor	Active
CHIR005013	Penge, Joseph J.	Chiropractor	Active
CHIR007890	Horowitz, Max A.	Chiropractor	Active

Executive Director's Report – Ms. Anita Martin

- Requests from Drs. Edward Schneider and Trevor Nichols requesting Therapeutic Modalities certifications to be applied to licensure effective upon completion of the program discussed.- the Board voted that the secondary license type is listed to the license effective upon receipt in Board Office.
- Request from Michael Fink, D.C. to extend time allowed to complete Ethics and Boundaries denied. Notify Dr. Fink that the board finds him to be in violation of his consent order and that if the issue is not resolved promptly-the board will seek additional action.
- E-Mail from Warren Jahn, D.C. re: Life University Clinic and an interpretation of the law concerning penetration of an orifice. Notify Dr. Jahn that the Board finds that the law does not prohibit looking into the ear or mouth, but considers invasive procedures that penetrate an orifice to be a violation of the scope.

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- Request from John Markham, D.C. of Life University's PEAK Program to allow D.C.'s who have been licensed in Georgia for 3 years to work as PEAK qualified doctors.- Request approved.
- Board voted not to report Dr. Evelyn Guilford's renewal consent order to CIN-BAD/HPDB-NPDB.
- Dr. Wren made a motion, Dr. Bakes seconded and the Board voted to implement a new Policy as follows:

Policy on ownership of patient records:

A Georgia Licensed Chiropractor who works as an Independent Contractor in a practice must maintain patient records in compliance with the Georgia Patient Records law and must conduct billing under his/her name.

The patient records in a practice where the Georgia Licensed Chiropractor works as an Associate are the property of the practice. Billing can be done by the clinic but he/she must be listed as the treating chiropractor.

Dr. Wren made a motion, Dr. Nelson seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-19 (h) (2) and § 43-1-2 (k) to deliberate and receive information on applications, investigative committee reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Baker. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Appeal Appointment

J.H.K. – recommended approval upon receipt of a clean final disposition of the criminal case and a letter from his probation officer. The information is to be sent to the Board's attorney for review and approval.

Dr. Wren made a motion, Dr. Sallarulo seconded and the Board voted to **accept** the recommendation on the appeal appointment.

Applications

C.S.C. – Reinstatement applicant, unlicensed practice.-Tabled and request that Dr. C provide the board with the name of contact at Georgia Spinal. The Board staff will query that person about providing list of all patients treated by Dr. C. from 1/1/05 until he left employment at that facility.

J.T.B. – Reinstatement applicant, unlicensed practice.- Recommended denial.

K.J.O. – Applicant, arrest/conviction.- Recommended approval of licensure.

J.R.S. – Applicant, arrest/conviction.- Recommended denial.

G.D.T.S. – Applicant, arrest/conviction.- Recommended approval of licensure.

R.N.G. – Applicant, arrest/conviction -Recommended approval of licensure.

B.M.B. – Applicant, arrest/conviction-Recommended approval of licensure.

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A.P.– Reactivation applicant. – Recommended denial.

J.A.R. –Applicant, arrest/conviction.- Tabled until board is in receipt of final disposition of the criminal case.

Dr. Baker made the motion, Dr. Wren seconded and the Board voted to **accept** the recommendations on the applications.

Investigative Report

CHIR080013–recommend to modify the findings to reflect failure to disclose information required in Board Rule 100-7-.04 (1)(b)(1) and modify Public Consent Order to reflect \$500 fine, one (1) year probation, no on-line continuing education for duration of probation and take and pass ethics and boundaries within the period of probation.

CHIR070006- recommend adding an additional condition of passing ethics and boundaries within period of probation to consent order.

CHIR080003-recommend modifying the allegation to reflect violation of Board Rule 100-7-.02 in making false, deceptive and misleading claims on his web-site.

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to **accept** the recommendations on the investigative report.

Rules Committee Report – Dr. David Wren, D.C.

- Recommended posting Board Rule 100-5-.02, Approval of Educational Programs. Dr. Sallarulo voted in opposition to this rule amendment. Several letters of support of this amendment were received and reviewed. The letters will be considered further during the public hearing at the time that the board considers this rule for adoption.
- Recommended posting Board Rule 100-5-.04, Application for Approval and Responsibilities of Providers.
- Recommended posting Board Rule 100-7-.04, Standards of Practice.
- Recommended posting Board Rule 100-7-.08, Private Review Agent Requirements.
- Recommended posting new policy as follows:

Approved Georgia Professional Associations

For the requirements as specified in Board Rule 100-7-.08, the Georgia Board of Chiropractic Examiners approves the Georgia Chiropractic Association (GCA) and the Georgia Council of Chiropractic (GCC).

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to **accept** the recommendations on the rules committee report.

The Board requested that the topics of MD/DC practice regulations, Fee Splitting and Advertising continue to be under review by the Rules Committee.

Attorney General's Report- Graham Barron

- Reported on nine (9) cases in his office.

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- Request to modify consent order in complaint case CHIR070143 to reflect \$8000 fine, no period of suspension, three (3) years probation and no on-line CE for period of probation.
- Recommended sending complaint case CHIR070002 to enforcement to find out the disposition of the civil case between the two chiropractors in the complaint.
- Request to modifying consent order in complaint case CHIR070040 to allow for change to the supervising chiropractor reports and the out of state residency reporting requirement.

Dr. Nelson motioned, Dr. Wren seconded and the Board voted to **accept** the recommendations from the AG's Report.

Disciplinary Actions Refresher- Meredith Kendall and/or Sonya Williams

Information on the General Provisions (O.C.G.A. § 43-1) and the Georgia Chiropractic Practice Act (O.C.G.A. § 43-9) was provided for Board member review.

Investigations/Enforcement

Accept cease and desist order on Dr. Norman Dabalos, CHIR007114.

CHIR070008- Schedule both chiropractors for investigative interviews and have them bring in original and one copy of the patient record.

CHIR080010- Schedule Dr. E.C. for an investigative interview.

Dr. **Baker** motioned, Dr. Sallarulo seconded and the Board voted to **accept** the recommendations from the Investigations/Enforcement Report.

There being no further business to come before the Board, the meeting was adjourned at 5:12 pm on February 21, 2008.

Minutes prepared by: Samirah Stephens, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

These minutes were approved on April 17, 2008.